IN THE HIGH COURT OF BOMBAY AT GOA
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CRIMINAL WRIT PETITION NO. 33 OF 2002

Shri Gurudas V. Pednekar
(Central Jail, Aguada) ... Petitioner.

Versus

STATE OF GOA,
through Inspector General
of Prisons. ... Respondent.

Shri Rohit B. D'Sa, advocate under Legal Aid for the petitioner.

Shri A. P. Lawande, Public Prosecutor, for the State.

CORAM: P. V. KAKADE, J.

DATE: 24th October, 2002.

ORAL ORDER

This petition is made by the petitioner who is in prison undergoing sentence of 7 years R.I. for commission of the offence punishable under Section 304 (ii) of the Indian Penal Code. The application of the petitioner was finally rejected by the Inspector General of Prisons by her Order dated 27th August, 2002, rejecting his prayer for parole of 60 days, on the ground that his mother was of old age and was sick and there was nobody to look after his landed property.

However, it was revealed in the course of the enquiry, that there are two brothers of the petitioner to look after the mother and also the landed property. There was no other ground to grant parole and, as such, the application was rejected. Hence, the petition.

2. Heard Shri Rohit B. D'Sa, advocate appointed through legal aid for the petition as well as Shri A. P. Lawande, learned Public Prosecutor. Perused the record. The affidavit made by the Collector of North Goa, Panaji and Inspector General of Prisons, shows that the police enquiry revealed that the mother of the petitioner is 60 years old and he has two brothers. The mother falls sick on account of her old age, but she is not wholly dependent upon the petitioner. The work of the cultivation can also be done by the other brothers, who are residing with the mother. It is also submitted that the relations of the victim are against the release of the petitioner on parole as they apprehend danger to their lives from the petitioner. In view of this position, the petition for parole is sought to be dismissed.

3. Shri D'Sa, learned counsel for the petitioner, brought to my notice the provisions of Rule 19 of the Goa Prisons (Furlough & Parole) Rules, 1968, which governs the prayer of the petitioner, which reads that the prisoner may be released on parole for such period as the competent authority referred to in Rule 18 of the said Rules in its discretion may order, in cases of serious illness, or death of any members of the prisoner's family, or of his nearest relatives, or for any other sufficient cause. In my considered view, it is

not established that the mother of the petitioner is seriously ill and it is not established also that there is nobody to look after her and, therefore, I hold that there is no sufficient cause to intervene in the discretionary order passed by the Inspector General of Prisons and, as such, the petition stands dismissed. Inform the prisoner accordingly.

P. V. KAKADE, J.

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